

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Monday, September 9, 2002 – 9:00 a.m. – Room 416 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Mike Dmitrich  
Sen. Ed Mayne  
Sen. Michael G. Waddoups  
Rep. Judy A. Buffmire  
Rep. Merlynn T. Newbold  
Speaker Martin R. Stephens

**Members Absent:**

President Al Mansell  
Rep. James R. Gowans

**Staff Present:**

Mr. Arthur L. Hunsaker, Research Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary at 538-1032.

**1. Committee Business**

Chair Ure called the meeting to order at 9:10 a.m.

**MOTION:** Rep. Newbold moved to approve the minutes of the August 27, 2002 meeting. The motion passed unanimously with Speaker Stephens absent for the vote.

**2. Rules and Policies of the Division of Services for People with Disabilities**

Sen. Mayne introduced the issue. He explained that he and Rep. Buffmire were contacted regarding conflicts between the policies and rules of the Division of Services for People with Disabilities.

Mr. Paul Myers, Consultant, Cornerstone Quality Resources, indicated that many of the current policies of the Division of Services for People with Disabilities are not consistent with division rules and that those policies are being enforced as rule. He indicated that Dr. Morse, the division director, has been supportive and wishes to resolve the issue. He distributed "Findings of Comparative Analysis" and provided examples of the conflicts.

Mr. Don Rollins, Board of Trustees, South Valley Training Company, indicated that requiring the division to send policies that meet the definition of a rule through the rulemaking process would allow further input from the public and companies which contract through the Division. He stated that Dr. Morse has been fully supportive in resolving the issue.

Dr. Fran Morse, Director, Division of Services for People with Disabilities, expressed concern that agency action is being implemented by policy. She indicated that the division will continue to work with Mr. Myers and Mr. Rollins in resolving the conflicts and, in the process, review the procedures to ensure quality services to as many individuals as possible.

Committee discussion followed.

Ms. Mary Paulson, member, Board of Services for People with Disabilities, indicated that the board has a responsibility to write policies and rules for the division and that the board will be cooperative in working with Dr. Morse.

Mr. John Harvard, Director, Utah Association of Community Services, expressed appreciation that Dr. Morse is working with those individuals and providers involved in the process.

Ms. Chris Fossin, Co-Director, Utah Coalition for People with Disabilities, indicated that the coalition is looking forward to working with the division to ensure services are available for people with disabilities.

Rep. Rebecca Lockhart indicated that she has been working with these issues for a long time and expressed concern with the policy and rulemaking practices of the Division. She indicated that she believes the Legislature has not been aware of the added costs and lack of public input caused by the enforcement of policies instead of rules.

Chair Ure indicated that the Committee will request that the division report back to the Committee no later than mid December.

### **3. Administration of Driver License Tests**

Chair Ure indicated that the Driver License Division does not have rules regulating procedures for giving driver license tests. Rep. Ure said that he is particularly concerned that the Division allows open book tests.

Ms. Judy Hamaker-Mann, Director, Driver License Division, indicated that there are no rules governing written driver license tests, but that procedures are in the Policy and Procedures Manual for the division. She indicated that the division is governed mostly by statute. She feels rules are not necessary in some instances because of the extent of regulation provided in statute.

Chair Ure read Subsection 53-3-104(1) and (1)(a), which requires that rules be made "for examining applicants for a license" and indicated that the policies regarding driver license testing affects the public, and therefore should be in administrative rule.

Committee discussion followed.

**MOTION:** Sen. Dmitrich moved that the Committee direct the division to draft a rule regarding the process for giving driver license tests. The motion passed with Sen. Mayne and Sen. Stephenson absent for the vote. Due to a lack of a quorum, Sen. Dmitrich withdrew his motion.

Committee members agreed that rules should be written when individuals or organizations outside an agency are affected, as specified by statute. Ms. Hamaker-Mann said she would prepare a driver license testing rule.

### **4. Other Items / Adjourn**

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Future meetings are tentatively scheduled for Monday, September 30 at 9:00 a.m. and Tuesday, October 8 and Monday, October 21, 2002 at 2:00 p.m.

**MOTION:** Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously with Sen. Mayne absent for the vote. Chair Ure adjourned the meeting at 10:26 a.m.